

# STATE OF NEW YORK

6318--A

Cal. No. 1519

2023-2024 Regular Sessions

## IN SENATE

April 13, 2023

Introduced by Sens. HINCHEY, MAY, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public service law, in relation to directing the public service commission to review cellular services within the state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "cellular mapping act of 2023".

§ 2. The public service law is amended by adding a new section 91-b to read as follows:

§ 91-b. Cellular services. 1. For the purposes of this section:

(a) The term "served for calling" means any location with at least two cellular service providers and/or at least one such provider has a call completion rate of greater than ninety percent.

(b) The term "underserved" means any location which has fewer than two cellular service providers, or such providers have a call completion rate greater than thirty percent, but less than ninety percent.

(c) The term "unserved" means any location which has no cellular service providers or such providers have a call completion rate of less than thirty percent.

(d) The term "excellent cellular coverage" shall mean cellular service of at least 25 megabits per second (mbps) download speeds.

(e) The term "adequate cellular coverage" shall mean cellular service of at least 5 mbps but less than 25 mbps download speeds.

(f) The term "poor cellular coverage" shall mean cellular service of fewer than 5 mbps download speed.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 (g) The term "no cellular coverage" shall mean cellular service where  
2 greater than fifty percent of speed tests fail to complete.

3 (h) The term "location" shall mean a geographic area smaller than a  
4 census tract.

5 (i) The term "cellular service provider" shall mean any person, busi-  
6 ness or organization qualified to do business in this state that  
7 provides individuals, corporations, or other entities with the ability  
8 to make wireless telephone calls and connect to the internet.

9 2. The commission shall study the availability, affordability and  
10 reliability of cellular services in New York state. The commission  
11 shall:

12 (a) review and appropriately consider the results of the federal  
13 communications commission broadband data task force's newly updated  
14 national broadband map, and any future data, on the availability of  
15 wireless broadband service in New York state;

16 (b) assess the efficacy and make recommendations regarding levels of  
17 competition among providers, as well as any regulatory and statutory  
18 barriers, in order to deliver comprehensive statewide access to excel-  
19 lent cellular coverage;

20 (c) review available technology to identify solutions that best  
21 support cellular service in underserved or unserved areas, and make  
22 recommendations on ensuring deployment of such technology in underserved  
23 and unserved areas;

24 (d) identify locations where insufficient access to excellent cellular  
25 coverage is causing negative social or economic impact on the community,  
26 which shall include but not be limited to: the incurment of extraneous  
27 business expenses, the lack of remote educational opportunities, resi-  
28 dents being unable to place calls and/or send text messages in emergency  
29 situations and barriers to the proper provision of police, fire and  
30 emergency medical services;

31 (e) examine any other telecommunications deficiencies affecting excel-  
32 lent cellular service it deems necessary to further the economic and  
33 social goals of the state;

34 (f) produce, maintain and publish on its website, a detailed cellular  
35 service access map of the state, indicating access to cellular service  
36 by location. Such map shall include, but not be limited to, the follow-  
37 ing information for each location:

38 (i) call completion rates and download speeds advertised and experi-  
39 enced;

40 (ii) the consistency and reliability of call completion rates and  
41 download speeds including latency;

42 (iii) the number of cellular service providers available, the price of  
43 cellular service available; and

44 (iv) any other factors the commission may deem relevant; and

45 (g) provide the opportunity for consumers to challenge the results of  
46 the call completion rates and speed tests at each location.

47 3. The commission shall submit a report of its findings and recommen-  
48 dations from the study required in subdivision two of this section, to  
49 the governor, the temporary president of the senate and the speaker of  
50 the assembly no later than one year after the effective date of this  
51 section, and an updated report annually thereafter. Such report shall  
52 include, but not be limited to, the following:

53 (a) the overall number of residences with access to excellent cellular  
54 coverage, adequate cellular coverage, poor cellular coverage and no  
55 cellular coverage and identifying which areas are served, unserved and  
56 underserved for calling;

1 (b) a regional survey of cellular service prices in comparison to  
2 county-level median income;

3 (c) an analysis of the affordability of excellent cellular coverage in  
4 New York state;

5 (d) any relevant usage statistics;

6 (e) any other metrics or analyses the commission deems necessary in  
7 order to assess the availability, affordability and reliability of  
8 cellular service in New York state; and

9 (f) the map maintained pursuant to paragraph (f) of subdivision two of  
10 this section.

11 4. The commission shall hold at least four regional public hearings  
12 within one year of the effective date of this section, to solicit input  
13 from the public and other stakeholders including but not limited to  
14 cellular service providers, telecommunications concerns, labor organiza-  
15 tions, public safety organizations, healthcare, education, agricultural  
16 and other businesses or organizations.

17 5. The commission shall examine the labor demand of the wireless  
18 construction workforce needed to achieve excellent cellular coverage  
19 statewide.

20 6. The commission shall work with cellular service providers in the  
21 state to prioritize access to excellent cellular coverage services for  
22 the communities determined to have experienced negative economic and  
23 social impacts due to absent, insufficient, or inadequate cellular  
24 service pursuant to subdivision one of this section.

25 7. To effectuate the purposes of this section, the commission may  
26 request and shall receive from any department, division, board, bureau,  
27 commission or other agency of the state or any state public authority  
28 such assistance, information and data as will enable the commission to  
29 carry out its powers and duties under this section.

30 8. To ensure the compliance of cellular service providers with the  
31 recommendations of the commission, the division of consumer protection  
32 shall assist the commission.

33 § 3. This act shall take effect on the thirtieth day after it shall  
34 have become a law.